

**Annex 4
to Part 2 of Schedule 4**

Amendments to the Specification for Highway Works

The amendments in this Annex give effect to the following changes to the SHW:

1.
 - 1.1 In the event of any conflict between the provisions of this Agreement and the SHW, the provisions of this Agreement shall prevail;
 - 1.2 References to the "**Overseeing Organisation**" in the SHW shall be replaced by the "**Designer**" or the "**Department's Nominee**" in accordance with the following principles:
 - (i) where the agreement/consent/approval etc. of the Overseeing Organisation is required for the use of any method or materials or to proceed with any operation, this shall be given by the Department's Nominee if the agreement/consent/approval etc. impacts on the health and safety of the general public, the environment, or any property or equipment not owned or operated by the DBFO Co;
 - (ii) in all other cases where the agreement/consent/approval etc. of the Overseeing Organisation is required for the use of any method or materials or to proceed with any operation, this shall be given by the Designer;
 - (iii) subject to paragraph 2 of Part 2 of this Schedule 4, where the SHW gives scope for the Overseeing Organisation to require a test or waive the requirement for a test or to alter testing frequency, this decision shall be made by the Designer in accordance with the Construction Requirements;
 - (iv) where the SHW requires the Contractor to provide documentation to the Overseeing Organisation for statutory or Departmental approval, such documentation shall be provided to the Department's Nominee; and
 - (v) where the SHW requires the Contractor to provide facilities and personnel for the Overseeing Organisation such facilities and personnel shall be provided by the DBFO Co to the Department's Nominee.
2. Amendments to terms/documents detailed in the SHW are given where such terms/documents would otherwise conflict with the requirements of this Agreement.
3. Additional, substitute, and cancelled clauses, tables and figures and minor alterations to existing clauses, tables and figures are given where these are not scheme specific. Scheme specific amendments are given in Appendices 0/1 and 0/2 in Annex 5. In so far as any of the amendments in Appendices 0/1 and 0/2 may conflict or be inconsistent with the amendments in this Annex 4 the amendments in Appendices 0/1 and 0/2 shall prevail.
4. All references in the SHW to the "**Contractor**" shall be deemed to be references to the DBFO Co, , all references to the "**Contract**" or "**Conditions of Contract**" shall be deemed

to be references to this Agreement, all references to the "**Site**" shall be deemed to be references to lands and other places on, under, in, or through which the Works are to be executed and all references to "**Employer**" shall be deemed to be references to the "**Secretary of State**".

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